

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 30, 1993
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. City Attorney Witt discussed threats of litigation against the City claiming that its process in selecting a paramedic contractor violated State law, the City Charter and basic bidding procedures. City Attorney Witt stated that his office will continue to defend the City vigorously against unmeritorious lawsuits. The meeting was recessed by Mayor Golding at 11:08 a.m. to convene the Joint Council meeting with the Redevelopment Agency, and thereafter to meet in Closed Session in the 12th floor conference room to discuss significant exposure to litigation and to reconvene the meeting at 2:00 p.m. The meeting was reconvened by Mayor Golding at 2:04 p.m. with Council Members Hartley and McCarty not present. Mayor Golding adjourned the meeting at 3:35 p.m. to convene the next regularly scheduled meeting on April 12, 1993, at 2:00 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (so/rb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present

- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-330:

Matters of an amendment to the San Ysidro Community Plan affecting the following two properties:

- 1) Dixon Project - Amendments to the San Ysidro Community Plan and the Progress Guide and General Plan to redesignate 1.07 acres from Low Medium Density Residential (10-15 dwelling units per acre) to Commercial and an amendment to the San Ysidro Planned District Implementing Ordinance (Municipal Code Section 103.2201-103.2205) rezoning the property from CA-RR Commercial to CSR-2 Commercial. The subject property is located on the north side of San Ysidro Boulevard, between Smythe Avenue and Cottonwood Road within the San Ysidro Community and is more particularly described as Lots 158 to 163, San Ysidro, Map-1174.
- 2) Baja-Mex Insurance Services Project - An amendment to the San Ysidro Community Plan to expand the area permitting Mexican insurance sales and money exchange business in the community and an amendment to the Progress Guide and General Plan to reflect the community plan amendment. The subject property is located in the block bounded by San Ysidro Boulevard, Via De San Ysidro and the Interstate 5 and 805 Freeways and is more particularly described as a portion of Section 1, Township 19 South, Range 2 West; a portion of Lots A23, A25, A26, A29 and A30 and all of Lot A24, San Ysidro, Map-1174; Lot 1, Willow Street Property Unit No. 1, Map-8224; Record of Survey 9158; a portion of Landers Street Vacated; and a portion of the San Diego and Southeasterly Railroad right-of-way abandoned.

(San Ysidro Community Plan. District-8.)

Subitem-A: (R-93-1381) ADOPTED AS RESOLUTION R-281710

Adoption of a Resolution for both the Dixon Project and the Baja-Mex Insurance Services Project, certifying that the information contained in Environmental Impact Report DEP-92-0289 (Addendum to EIR-89-1115) has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-93-122) INTRODUCED, TO BE ADOPTED APRIL 12, 1993

Introduction of an Ordinance to rezone the Dixon property from CA-RR to CSR-2.

Subitem-C: (O-93-123) INTRODUCED, TO BE ADOPTED APRIL 12, 1993

Introduction of an Ordinance to amend the San Diego Municipal Code, Chapter X, Article 3, Division 22, Sections 103.2201-103.2205 (San Ysidro Implementing Ordinance) to reflect the changes due to the Baja-Mex project.

Subitem-D: (R-93-1382 Cor. Copy) GRANTED PLAN AMENDMENT,
ADOPTED AS RESOLUTION
R-281711

Adoption of a Resolution granting or denying the plan amendment for the Dixon Project and the Baja-Mex Project; amending the Progress Guide and General Plan (Dixon & Baja-Mex) to become effective at the next omnibus hearing.

FILE LOCATION: Subitems A and D: LAND - San Ysidro
Planned District; Subitems B and C: --

COUNCIL ACTION: (Tape location: A064-071.)

Hearing began at 10:11 a.m. and halted at 10:12 a.m.

MOTION BY VARGAS TO ADOPT SUBITEM-A, INTRODUCE THE ORDINANCES FOR SUBITEMS B AND C, AND GRANT THE PLAN AMENDMENT FOR SUBITEM-D. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

ITEM-331: CONTINUED TO APRIL 20, 1993

Matter of consideration of a Tentative Map TM-92-0608 (Park in the Valley) and an amendment to the First San Diego River Improvement Project (FSDRIP) Specific Plan (350336) for the Park in the Valley project in Mission Valley. The 39.8-acre site is located on the north side of Camino de la Reina between Mission Center Road and Camino del Este. The site is zoned MV-M/SP and is designated for office, retail and hotel development by the FSDRIP Specific Plan.
(TM-92-0608. District-6.)

Subitem-A: (R-93-1425)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-92-0608 (Addendum to EIR-80-0341) has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-93-)

Adoption of a Resolution approving or denying the Tentative Map amendment, with appropriate findings to support Council action.

Subitem-C: (R-93-1424)

Adoption of a Resolution approving an amendment to FSDRIP. CITY MANAGER SUPPORTING INFORMATION: The proposed project is an amendment to the First San Diego River Improvement Project (FSDRIP) Specific Plan and ten-lot Tentative Map for the Park in the Valley site in Mission Valley. The amendment would add flexibility to the specific plan to permit a mixed use commercial or retail development on the 39.8 gross acre (22.5 net acre) site. The project is also the subject of a bankruptcy case.

FILE LOCATION: Subitem-A,C: LAND - FSDRIP Specific Plan;
Subitem-B: SUBD - Park in the Valley

COUNCIL ACTION: (Tape location: A055-064.)

MOTION BY STALLINGS TO CONTINUE TO APRIL 20, 1993 ON BEHALF OF THE APPLICANT'S ATTORNEY FOR FURTHER REVIEW. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

Matters for Council consideration:

1. Adoption of the proposed 1993 Rancho Penasquitos Community Plan and the rescission of the 1978 Penasquitos East Community Plan.
2. Adoption of amendments to the Progress Guide and General Plan to reflect the proposals contained in the Rancho Penasquitos Community Plan.
3. Potential application of the Community Plan Implementation Overlay Zone (CPIOZ) to all commercial and industrial properties within the Rancho Penasquitos Plan Area. This overlay zone would regulate land use and design. (If the City Council wishes to consider the Community Plan Implementation Overlay Zone, this item should be continued for the introduction of the ordinance.)
(District-1.)

Subitem-A: (R-93-1333) ADOPTED AS RESOLUTION R-281712

Adoption of a Resolution certifying that the information contained in Environmental Impact Report No. DEP-89-1222 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-1334 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-281713

Adoption of a Resolution approving the 1993 Rancho Penasquitos Community Plan update, rescinding the 1978 Penasquitos East Community Plan, and approving an amendment to the Progress Guide and General Plan.

FILE LOCATION: LAND - Rancho Penasquitos Community
Plan

COUNCIL ACTION: (Tape location: A071-B275.)

Hearing began at 10:12 a.m. and halted at 11:08 a.m.

Council Member Hartley left the meeting at 10:37 a.m. and returned at 10:58 a.m.

Testimony in favor by David Poole, Cindy Schaffer, Kelli Politoske and Kevin McNamara.

Testimony in opposition by Theresa Vasques and Anne Evans.

MOTION BY WOLFSHEIMER TO ADOPT SUBITEM-A, AND ADOPT SUBITEM-B AS AMENDED, WITH DIRECTION TO STAFF TO RETURN IN 60 DAYS WITH THE FOLLOWING INFORMATION: 1) BRING BACK THE PARAISO CUMBRES PROJECT AFTER GIVING THE COMMUNITY TIME TO REVIEW THE PROJECT AND TO NEGOTIATE WITH THE DEVELOPER TO SEE WHETHER ACQUISITION OF THE SITE IS POSSIBLE; 2) PLACE THE CPIOZ ZONE DESIGNATION ON THE COMMERCIAL AREA THAT IS LOCATED AT PENASQUITOS DRIVE AND CARMEL MOUNTAIN ROAD. RETURN TO COUNCIL WITH THE APPROPRIATE ORDINANCE TO LEGALLY PLACE THE CPIOZ DESIGNATION ON THIS LOCATION; 3) AMEND THE SEGMENT OF THE PLAN THAT PROVIDES FOR TRANSIT SERVICE TO NORTH COUNTY FAIR, TO READ..."BUS SERVICE SHOULD BE PROVIDED FOR RANCHO PENASQUITOS TO MAJOR EMPLOYMENT AND COMMUNITY ACTIVITY CENTERS;" 4) RESPOND TO COUNCIL WITH ANY FURTHER ADJUSTMENTS THAT NEED TO BE MADE TO THE PLAN AFTER CONSIDERING PUBLIC COMMENT; AND 5) REVIEW LANGUAGE REVISIONS WITH THE PARK AND RECREATION DEPARTMENT FOR THE RV PARKING STORAGE YARD OWNED BY PARDEE CONSTRUCTION COMPANY. REPORT ON THE EFFECT OF USING THE TERM "EQUAL" INSTEAD OF "EQUIVALENT" WHEN REFERRING TO THE HABITAT AND ACREAGE OF THE RV STORAGE YARD. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

Appeal of Vincent Whelan of the Diocese of San Diego, by Paul E. Robinson, Attorney, from the decision of the Planning Commission in denying a Conditional Use Permit CUP-92-0315 to amend Conditional Use Permit CUP-4655 to allow the conversion of an existing 80,000-square-foot chapel and convent, to use as a Pastoral Center for the Roman Catholic Diocese of San Diego, and the expansion of parking facilities and landscaping on a 6.2-acre parcel. The existing facility is located at 3888 Paducah Drive and

is described as Villa Marina Unit No. 1, Lots 1-11, Map-4950. The R1-5000 zoned site is within the Clairemont Community Plan Area.
(CUP-92-0315. District-6.)

Subitem-A: (R-93-1893) ADOPTED AS RESOLUTION R-281716

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-92-0315 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-1894) ADOPTED AS RESOLUTION R-281717,
GRANTED APPEAL, GRANTED PERMIT

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

NOTE: On March 1, 1993, Council voted 9-0 to hear this appeal.

FILE LOCATION: PRM - CUP-92-0315

COUNCIL ACTION: (Tape location: C020-E069.)

Hearing began at 2:06 p.m. and halted at 3:34 p.m.

Council Member McCarty entered at 2:20 p.m.

Council Member Hartley entered at 2:35 p.m.

Testimony in favor by Paul Robinson, Bishop Robert Brom, Laurel Olsen, Arthur Hughes, Michael Pallamary, Catherine Strolein, and Daniel Smiechowski.

Testimony in opposition by Bill Wade, Mike Jamieson, Susan Bernstein, Don Hill, Frank Buttino, and Ray Hardy.

Mayor Golding closed the hearing.

MOTION BY BEHR TO CERTIFY THE NEGATIVE DECLARATION, APPROVE CONDITIONAL USE PERMIT NO. CUP-4655, AND THE CITY MANAGER'S RECOMMENDATIONS. INCLUDE IN THE CONDITIONAL USE PERMIT FINDINGS AS PRESENTED TO COUNCIL ON MARCH 30, 1993. ACCEPT COUNCIL MEMBER STALLINGS' AMENDMENTS TO THE MOTION TO

INCLUDE REFERRALS TO STAFF AND ADDITIONAL CONDITIONS TO THE
CONDITIONAL USE PERMIT TO FURTHER PROTECT THE NEIGHBORHOOD:

1. GATE THE PARKING LOT FOR ADDED SECURITY.
2. PROVIDE MEASURES TO REDUCE THE LIGHTING WHEN THE GATES
ARE CLOSED THAT DOES NOT IMPACT SECURITY.
3. ADD TO THE MEMBERSHIP OF THE (ADVISORY) COMMITTEE SOME
OF THE PEOPLE WHO HAD BEEN LEADERS OF THE OPPOSITION
WHO ARE STILL CURRENTLY OPPOSED TO THIS PROJECT.
4. ASSURE THAT WEEKEND ACTIVITIES WILL NOT IMPACT THE
COMMUNITY.
5. ADD MORE THAN ADEQUATE SCREENING IN THE LANDSCAPING TO
PROTECT THE NEIGHBORING HOMES.
6. DIRECT THE CITY MANAGER TO PROVIDE A SITE DISTANCE
STUDY AT PADUCAH DRIVE AND CADDEN DRIVE TO DETERMINE
THE FEASIBILITY OF THE THREE-WAY STOP AND TO LOOK AT
SOME OF THE TRAFFIC ISSUES THAT HAVE BEEN RAISED.

Second by Vargas. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor
Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:35 p.m. in
honor of the memory of Jonathan Sellers and Charles Keever.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E070-084).